

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7, Rito de Tierra Amarilla

Subfile No. CHTA-001-0004

MOTION FOR SANCTIONS AND DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order granting default judgment against Defendant Joe R. Maestas in Subfile CHTA-001-0004, and as grounds therefor plaintiff states the following:

1. The claims of defendant Joe R. Maestas in Subfile CHTA-001-0004 are subject to the Pretrial Order for Disputed Subfiles filed June 5, 2009 (Doc. 9458).
2. Defendant Joe R. Maestas has failed to provide the State with any of the discovery disclosures required by the pretrial order.
3. If a party fails to obey a scheduling or pretrial order, the Court may make such orders as are just including the entry of a default order. Fed. R. Civ. P. 16(f).
4. The Pretrial Order filed June 5, 2009 states as follows:

The failure to comply with these terms and any other pretrial provisions may result in the entry of a default order which incorporates the State's proposed consent order pursuant to applicable pretrial orders.

5. A subfile map showing the location of the acreage (No Right) in the State's proposed consent order for this subfile is attached hereto as Exhibit 1.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against defendant Joe R. Maestas in Subfile CHTA-001-0004 incorporating the terms of the State's proposed consent order in this subfile.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of February, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Joe R. Maestas
P.O. Box 1024
Española, NM 87532

/s/ Ed Newville
EDWARD G. NEWVILLE